

11/19/01

JC945 U.S. PTO

201

UTILITY PATENT APPLICATION TRANSMITTAL

- (for new non-provisional applications under 37 CFR 1.53(b))

DUPLICATE ☐

Atty. Dkt. No: 5259-03702

Inventor(s): Freid, et al.

Title: SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE

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**CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. 1.10**

"Express Mail" mailing label number: EL726370206US

DATE OF DEPOSIT: November 19, 2001

**I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:**

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Derrick Brown

|                                                            |                                                                     |                                                                                                                          |
|------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Continuing Application | <u>Continuation</u>                                                 | of prior application No.: 09/479,458                                                                                     |
| Inventor(s)                                                | Jim Freid, Michael E. Landry, and Erik J. Wagner                    | Filed: January 6, 2000                                                                                                   |
| Title:                                                     | SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE | Examiner: P. Philogene<br>Group/Art Unit: 3732<br>Assignee: Spinal Concepts, Inc.<br>Recorded at Reel 010732, Frame 0443 |

Power of Attorney in Prior Application: Eric B. Meyertons  
CONLEY, ROSE, & TAYON, P.C.  
P.O. Box 398  
Austin, TX 78767

### Application Elements

1. ☒ Filing Fee

The filing fee is calculated as shown below.

|                                    |    |      |    |            |           |
|------------------------------------|----|------|----|------------|-----------|
| Total Claims                       | 64 | -20= | 44 | x \$18.00= | \$792.00  |
| Independent Claims                 | 5  | -3 = | 2  | x \$84.00= | \$168.00  |
| Multiple Dependent Claims          |    |      |    | Fee:       |           |
| Basic Fee:                         |    |      |    |            | \$740.00  |
| Sub-Total:                         |    |      |    |            | \$1700.00 |
| Reduction by 50% for Small Entity: |    |      |    |            | \$850.00  |
| Total:                             |    |      |    |            | \$850.00  |

- ☒ A Fee Authorization Form in the amount of \$850.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Conley, Rose, & Tayon, P.C., Deposit Account No. 501505/5259-03702/EBM.

## 2. ☒ Specification

Enclosed are:

     Total Pages, or

1 Title Page; 23 pages of specification; 21 pages of claims (claims 1-130); 1 page Abstract.

3. ☒ Drawings

☒ Enclosed are Formal Drawings (Figures 1-40) on 11 sheets.

☐ Enclosed are Informal Drawings (Figures -      on      sheets.

4. ☒ Oath or Declaration

☐ Newly executed

☒ Enclosed is a copy of the Oath or Declaration from above-referenced prior application (see 37 C.F.R. § 1.63(d)) (2 pages).

5. ☐ This application is filed by fewer than all the inventors named in the prior application

☐ Delete the following inventor(s) named in the prior non-provisional application:                     

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. ☒ The entire disclosure of the prior application is considered to be part of the accompanying application and is hereby incorporated by reference herein.

7. ☐ Enclosed is a Microfiche Computer Program (Appendix).

8. ☐ Enclosed is a Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary).

☐ Computer Readable copy

☐ Paper Copy (identical to computer copy)

☐ Statement verifying identity of above copies

9. ☒ Assignment Papers

☒ Copy of Assignment of the prior application.

☒ Copy of the Notice of Recordation of Assignment of the prior application.

10. ☒ Power of Attorney

☒ The power of attorney appears in the original papers of the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Information Disclosure Statement (IDS)

☒ Enclosed are copies of IDS Forms 1449 from the above-referenced prior application.

☒ The Commissioner is hereby specifically requested to make the Information Disclosure Statements, as well as any prior art of record in the prior application(s), of record in connection with this application.

12. Amendments

☒ A preliminary amendment is enclosed (11 pages).

☒ Cancel in this application original claim(s) 2-130 of the prior application before calculating the filing fee.

☒ Amend the specification by inserting before the first line the sentence: --This is a continuation of copending application Serial No. 09/479,458 filed January 6, 2000.--

13. ☒ Return Receipt Postcard

14. Small Entity Status

☐ A small entity statement is enclosed.

☒ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

☐ Is no longer claimed.

15. ☐ Priority of foreign application number             , filed on      in              is claimed under 35 U.S.C. §§ 119(a)-(d)

16. ☐ Petition under 37 C.F.R. § 136 for Extension of Time

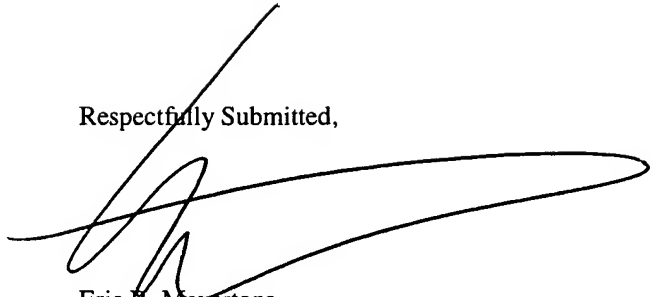
17. ☐ Other:                                     

1001505-11501

Address all future correspondence to:

ERIC B. MEYERTONS  
CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
Phone: (512) 476-1400  
Facsimile: (512) 703-1250

Respectfully Submitted,



Eric B. Meyertons  
Reg. No. 34,876

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
Phone: (512) 703-1254  
Facsimile: (512) 703-1250

Date: 11/19/01

100450061001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown  
 Filed: November 19, 2001  
 Inventor(s):  
 Freid, et al.

Examiner: Unknown  
 Group/Art Unit: Unknown  
 Atty. Dkt. No: 5259-03702

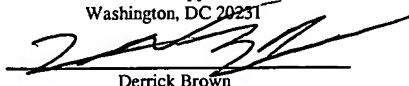
Title: SYSTEM AND METHOD  
 FOR STABILIZING THE  
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 UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL726370206US  
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 above and is addressed to:

Commissioner for Patents  
 Box Patent Application  
 Washington, DC 20231

  
 Derrick Brown

**FEE AUTHORIZATION**

Commissioner for Patents  
 Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fees to Conley, Rose &  
 Tayon, P.C. Deposit Account Number 50-1505/5259-03702:

\$740.00 - Utility Patent Application Filing Fees; and

\$480.00 - Excess Claims Fees

Total Amount: \$850.00

Attorney Docket No.: 5259-03702

Freid, et al.

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number. If the above mentioned account is found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose & Tayon, P.C. Deposit Account Number 50-1623/5259-03702.

Respectfully submitted,

Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 703-1254 (voice)  
(512) 703-1250 (facsimile)

Date: \_\_\_\_\_

**§ § 87(2)(b), (d) & (g)**

Freid, et al.

Atty. Dkt.: 5259-03702

Filed: Herewith

Title: SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE

U.S. Express Mail Label No. EL764297890US  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as U.S. Express Mail in an envelope addressed to: Commissioner for Patents, BOX FILING DATE, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date indicated below:

Derrick Brown

Commissioner for Patents  
BOX FILING DATE  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Sir:**

An attempt was made to send the attached document via U.S. Express Mail, Label No. EL726370206US, on November 19, 2001. However, the U.S. Postal Service refused to accept the Express Mail package. Applicants respectfully request that the original filing date of November 19, 2001 be granted in the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Derrick Brown

Conley, Rose & Tayon  
P.O. Box 398  
Austin, TX 78767-0398

(512) 476-1400

Date: 11-20-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Freid, et al.

Filed: Herewith

Title: **SYSTEM AND METHOD FOR  
STABILIZING THE HUMAN  
SPINE WITH A BONE PLATE**

Group Art Unit: Unknown

Atty. Dkt.: 5259-03702

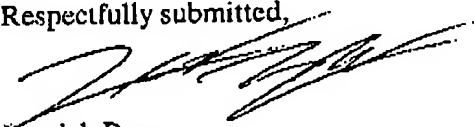
U.S. Express Mail Label No. EL7642978901/US  
Date of Mailing: November 20, 2001I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as U.S. Express Mail in an  
envelope addressed to: Commissioner for Patents, BOX  
FILING DATE, 2900 Crystal Drive, Arlington, VA 22202-  
3513, on the date indicated below:  
Derrick BrownJCS55 U.S. PTO  
**10/015206**  
11/19/01**REQUEST FOR ORIGINAL EXPRESS MAIL FILING DATE**Commissioner for Patents  
BOX FILING DATE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

I attempted to deposit the above-referenced patent application via U.S. Express Mail, Label No. EL726370206US, on November 19, 2001. However, the U.S. Postal Service refused to accept the Express Mail package on November 19, 2001. Applicants respectfully request that the original filing date of November 19, 2001 be granted in the above-referenced application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
Derrick BrownConley, Rose & Tayon  
P.O. Box 398  
Austin, TX 78767-0398  
(512) 476-1400  
Date: 12/04/01

FAX RECEIVED

DEC 04 2001

PETITIONS OFFICE

*Receipt date  
granted  
is 11/19/01.  
J. Chang  
from OP2A*

700 Lavaca, Suite 800  
Austin, Texas 78701  
Phone: (512) 476-1400 Fax: (512) 703-1250

**CONLEY, ROSE & TAYON, P.C.**

Intellectual Property Law  
Including  
Patents, Trademarks, Copyrights  
and Unfair Competition

**FAX**To: Cindy NesslerFrom: Eric B. MeyertonsFax: 703-872-9672Pages: 2 (including cover sheet)Phone: 703-305-0271Date: December 4, 2001Re: 5259-03702Phone: 512-703-1254

● Comments:

**FAX RECEIVED****DEC 04 2001****PETITIONS OFFICE**

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